

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Kevin Hamilton,

5 Plaintiff

6 v.

7 Las Vegas Metro Police Department, et al.,

8 Defendants
9

Case No.: 2:21-cv-01746-JAD-EJY

Order Adopting Report & Recommendation

[ECF No. 3]

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11 Kevin Hamilton brings this action against all the emergency responders, hospital staff,
12 and law enforcement personnel who encountered him during an episode he was experiencing last
13 Thanksgiving. The magistrate judge screened his complaint and entered a report and
14 recommendation for this court to dismiss all claims with limited leave to amend.¹ The deadline
15 for Hamilton to object to that recommendation was December 7, 2021, and he filed no objection
16 or request to extend the deadline to do so. “[N]o review is required of a magistrate judge’s
17 report and recommendation unless objections are filed.”² Having reviewed the R&R, I find good
18 cause to adopt it, and I do.

19 IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and
20 Recommendation [ECF No. 3] is **ADOPTED** in its entirety.
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25 ¹ ECF No. 13.

26 ² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
27 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).
28

IT FURTHER ORDERED that **the following claims are dismissed with prejudice and without leave to amend:**

- Plaintiff's second cause of action for respondeat superior;
- His claims seeking money damages based on alleged wrongdoing of Defendants Doe I, Doe II, and the Las Vegas Metropolitan Police Department in their respective official capacities;
- His claims against the Las Vegas Metropolitan Police Department for negligent hiring, supervision, and training.

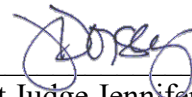
IT IS FURTHER ORDERED that **the following claims are dismissed without prejudice and with leave to amend by January 8, 2022**, if he can revise them to cure the deficiencies identified in the report and recommendation:

- Fourth Amendment false imprisonment against LVMPD;
- Fourth Amendment false imprisonment seeking money damages against Does I and II in their individual capacities;
- Fourth Amendment false imprisonment against Abiog, Latifeci, Hansen, Lovinger, Allied, AMR, and Sunrise;
- Third and fourth causes of action alleging negligent hiring, training, and supervision against Allied, AMR, and Sunrise; and
- Intentional infliction of emotional distress against any defendant.

Plaintiff is advised that an amended complaint replaces the original complaint, so it must be complete in itself without reference back to an earlier version of the complaint. The amended complaint may not include any claims other than those permitted by this order. The amended complaint must be written on the Court's form, and plaintiff must write the word "Amended" above the title. **If plaintiff does not file an Amended Complaint by January 8, 2022, the court will construe that failure as his acknowledgement that he cannot cure the deficiencies in his claims and will dismiss this case with prejudice and close it.**

...

1 The Clerk of Court is directed to **SEND** plaintiff a civil-rights complaint form for non-
2 prisoners and a copy of his original complaint [ECF No. 1-1].

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U.S. District Judge Jennifer A. Dorsey
Dated: December 9, 2021